PIL 38/2006
BEFORE
THE HON'BLE MR. JUSTICE D. BISWAS, CHIEF JUSTICE (ACTING)
THE HON'BLE MR. JUSTICE B.P. KATAKEY
C.J., (Acting)

We have heard Mr. U.K. Nair, the learned counsel for the petitioner and Mr. K. N. Choudhury, the learned Additional Advocate General for the State of Assam. Also heard Mr. S. Samaria, the learned Standing counsel, G.M.C. and Mr. S. Baruah, the learned Standing counsel, P.C.B.A.

After going through the records as well as perusing the affidavits filed and taking into consideration the submission advanced by Mr. Choudhury, the learned Additional Advocate General and Mr. Samaria, the learned Standing counsel, G.M.C., it appears that the main grievance of the petitioner Samittee about dumping of garbage has been taken care of. There is no dispute that the dumping at the Ushanagar dumping site has been stopped since 07.07.2006.

The other grievance of the petitioner Samittee is that the authority is required to close the said dumping ground by resorting to scientific method, as required for Solid Waste Management. Mr. Choudhury further submits that the respondent authority has already prepared the scheme for scientifical closer of the said dumping ground and its implementation is under active consideration by the Government. Mr. Choudhury also submits that all steps have been undertaken to make available necessary fund for implementing of the projects under JNURM Scheme and for that purpose, he submits that six months time will be necessary to implement the project.

In view of the above submission, we do not consider it appropriate to keep the petition pending and instead to dispose of the same permitting the respondent authority to implement the project undertaken within a period of six months from today in consultation with the Pollution Control Board, Assam and in accordance with the provisions of the relevant Act and the Rules framed for that purpose.

Liberty is granted to the aggrieved party to approach this Court for appropriate orders, in case of non-implementation of this order.

A copy of this order be furnished to the learned counsel for all the parties.

The PIL is accordingly closed.